



Sen. Pamela J. Althoff

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09600SB1723sam001

LRB096 10357 HLH 22104 a

1 AMENDMENT TO SENATE BILL 1723

2 AMENDMENT NO. _____. Amend Senate Bill 1723 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 27-5, 27-30, 27-35, 27-40, and 27-55 and by adding
6 Section 27-55a as follows:

7 (35 ILCS 200/27-5)

8 Sec. 27-5. Short title; definitions. This Article may be
9 cited as the Special Service Area Tax Law.

10 When used in this Article:

11 "Special Service Area" means a contiguous area within a
12 municipality or county in which special governmental services
13 are provided in addition to those services provided generally
14 throughout the municipality or county, the cost of the special
15 services to be paid from revenues collected from taxes levied
16 or imposed upon property within that area. Territory shall be

1 considered contiguous for purposes of this Article even though
2 certain completely surrounded portions of the territory are
3 excluded from the special service area. A county may create a
4 special service area within a municipality or municipalities
5 when the municipality or municipalities consent to the creation
6 of the special service area. A municipality may create a
7 special service area within a municipality and the
8 unincorporated area of a county or within another municipality
9 when the county or other municipality consents to the creation
10 of the special service area.

11 "Backup or dormant special service area" means a special
12 service area that has not levied a tax for a period of 2
13 consecutive years. A backup or dormant special service area may
14 be activated by ordinance only after notice is given and a
15 hearing is held pursuant to the provisions of Section 27-30 and
16 Section 27-35.

17 "Special Services" means all forms of services pertaining
18 to the government and affairs of the municipality or county,
19 including but not limited to weather modification and
20 improvements permissible under Article 9 of the Illinois
21 Municipal Code, and contracts for the supply of water as
22 described in Section 11-124-1 of the Illinois Municipal Code
23 which may be entered into by the municipality or by the county
24 on behalf of a county service area.

25 (Source: P.A. 86-1324; 88-445.)

1 (35 ILCS 200/27-30)

2 Sec. 27-30. Manner of notice. Prior to or within 60 days
3 after the adoption of the ordinance proposing the establishment
4 of a special service area, or the adoption of the ordinance to
5 activate a backup or dormant special service area, the
6 municipality or county shall fix a time and a place for a
7 public hearing. Notice of the hearing shall be given by
8 publication and mailing, except that notice of a public hearing
9 to propose the establishment of a special service area for
10 weather modification purposes may be given by publication only.
11 Notice by publication shall be given by publication at least
12 once not less than 15 days prior to the hearing in a newspaper
13 of general circulation within the municipality or county.
14 Notice by mailing shall be given by depositing the notice in
15 the United States mails addressed to the person or persons in
16 whose name the general taxes for the last preceding year were
17 paid on each property lying within the special service area. A
18 notice shall be mailed not less than 10 days prior to the time
19 set for the public hearing. In the event taxes for the last
20 preceding year were not paid, the notice shall be sent to the
21 person last listed on the tax rolls prior to that year as the
22 owner of the property.

23 (Source: P.A. 82-282; 88-455.)

24 (35 ILCS 200/27-35)

25 Sec. 27-35. Public hearing; protests and objections. At the

1 public hearing, any interested person, including all persons
2 owning taxable property located within the proposed special
3 service area or within the backup or dormant special service
4 area proposed to be activated, may file with the municipal
5 clerk or county clerk, as the case may be, written objections
6 to and may be heard orally in respect to any issues embodied in
7 the notice. The municipality or county shall hear and determine
8 all protests and objections at the hearing and the hearing may
9 be adjourned to another date without further notice other than
10 a motion to be entered upon the minutes fixing the time and
11 place it will reconvene. At the public hearing or at the first
12 regular meeting of the corporate authorities thereafter, the
13 municipality or county may delete area from the special service
14 area. However, the special service area must still be a
15 contiguous area as defined in Section 27-5.

16 (Source: P.A. 82-640; 88-455.)

17 (35 ILCS 200/27-40)

18 Sec. 27-40. Boundaries of special service area. No lien
19 shall be established against any real property in a special
20 service area nor shall a special service area create a valid
21 tax before a certified copy of an ordinance establishing or
22 altering the boundaries of a special service area or activating
23 a backup or dormant special service area, containing a legal
24 description of the territory of the area, the permanent tax
25 index numbers of the parcels located within the territory of

1 the area, an accurate map of the territory, a copy of the
2 notice of the public hearing, and a description of the special
3 services to be provided is filed for record in the office of
4 the recorder in each county in which any part of the area is
5 located. The ordinance must be recorded no later than 60 days
6 after the date the ordinance was adopted. An ordinance
7 establishing a special service area or activating a backup or
8 dormant special service area recorded beyond the 60 days is not
9 valid. The requirement for recording within 60 days shall not
10 apply to any establishment or alteration of the boundaries of a
11 service area that occurred before September 23, 1991.

12 (Source: P.A. 93-1013, eff. 8-24-04.)

13 (35 ILCS 200/27-55)

14 Sec. 27-55. Objection petition. If a petition signed by at
15 least 51% of the electors residing within the special service
16 area or backup or dormant special service area proposed to be
17 activated and by at least 51% of the owners of record of the
18 land included within the boundaries of the special service area
19 or backup or dormant special service area proposed to be
20 activated is filed with the municipal clerk or county clerk, as
21 the case may be, within 60 days following the final adjournment
22 of the public hearing, objecting to the creation of the special
23 service district, the enlargement of the area, the activation
24 of a backup or dormant special service area, the levy or
25 imposition of a tax or the issuance of bonds for the provision

1 of special services to the area, or to a proposed increase in
2 the tax rate, the district shall not be created or enlarged,
3 the backup or dormant special service area shall not be
4 activated, or the tax shall not be levied or imposed nor the
5 rate increased, or no bonds may be issued. The subject matter
6 of the petition shall not be proposed relative to any
7 signatories of the petition within the next 2 years. Each
8 resident of the special service area or backup or dormant
9 special service area registered to vote at the time of the
10 public hearing held with regard to the special service area or
11 backup or dormant special service area shall be considered an
12 elector. Each person in whose name legal title to land included
13 within the boundaries of the special service area or backup or
14 dormant special service area is held according to the records
15 of the county in which the land is located shall be considered
16 an owner of record. Owners of record shall be determined at the
17 time of the public hearing held with regard to a special
18 service area or backup or dormant special service area. Land
19 owned in the name of a land trust, corporation, estate or
20 partnership shall be considered to have a single owner of
21 record.

22 (Source: P.A. 82-640; 88-455.)

23 (35 ILCS 200/27-55a new)

24 Sec. 27-55a. Restrictive covenants; waiver of certain
25 rights. A deed restriction, restrictive covenant, or similar

1 provision may not waive, prohibit, or restrict the right to
2 notice of a public hearing or the right to object, oppose, or
3 challenge (i) the creation of a special service area, (ii) the
4 activation of a backup or dormant special service area, (iii)
5 the levy of any tax of a special service area, or (iv) the
6 issuance of bonds of a special service area. Any such deed
7 restriction, restrictive covenant, or similar provision shall
8 not be enforceable and is null and void against the property
9 owner, lot or unit owner of the common interest community,
10 condominium, or cooperative. The term "common interest
11 community" in this Section has the same meaning as set forth in
12 Section 9-102(c) of the Code of Civil Procedure.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."